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BEFORE THE ALASKA STATE COMMISSION FOR HUMAN RIGHTS
ON REFERRAL TO THE OFFICE OF ADMINISTRATIVE HEARINGS

ALASKA STATE COMMISSION)
FOR HUMAN RIGHTS, PAULA M.)
HALEY, EXECUTIVE DIRECTOR)
ex. rel. ROBIN BLOCK)
)
Complainant,)
)
v.)
)
PULSE NEWSPAPER,)
)
Respondent.)
_____)

ASCHR NO. C-03-165
OAH NO. 07-0665-HRC

AMENDED COMPLAINT

Paula M. Haley, Executive Director of the Alaska State Commission for Human Rights, ex relatione Robin Block, submits the following Amended Complaint:

1. Robin Block is a person aggrieved by discriminatory conduct prohibited by AS 18.80.220.
2. At all times relevant herein, and for the purposes of the Complaint, Respondent, Pulse Newspaper, was and remains an employer as that term appears in AS 18.80.220 and as defined by AS 18.80.300(4).
3. Charlie Parello is the owner of Pulse Newspaper.
3. Respondent first hired Ms. Block on October 7, 2002.
4. Respondent employed Ms. Block in various part time positions at Pulse Newspaper including warehouse worker and receptionist until it terminated her employment on June 13, 2003.

1 5. Robin Block is a person with a disability within the meaning of AS
2 18.80, because she is an above the knee amputee who uses a prosthesis and crutches
3 for mobility.
4

5 6. Ms. Block had permanent license plates on her vehicle that identified
6 her as a person with a disability throughout her employ with Pulse Newspaper.
7

8 6. Respondent, Charlie Parello, owner of Pulse Newspaper, had notice of
9 Ms. Block's physical impairment and her use of crutches and a prosthesis for
10 mobility.
11

12 7. During the time that Ms. Block was employed at Pulse Newspaper,
13 there was no designated parking for persons with disabilities near the Pulse
14 Newspaper office.
15

16 8. During Ms. Block's employment at Pulse Newspaper and between
17 October 7, 2002 and June 10, 2003, she conveyed to Mr. Parello numerous times her
18 need to have a designated parking spot for persons with disabilities due to the fact
19 that neighboring businesses often occupied parking spaces close to the building and
20 her use of crutches and a prosthesis required that she be able to park close to the
21 office; Respondent took no action during this period to obtain designated parking for
22 persons with disabilities near its business.
23

24 9. Respondent did not grant Complainant a designated parking spot, and
25 did not ask the building property management to designate a parking spot for persons
26 with disabilities.
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10. Respondent directed Ms. Block to park her vehicle in front of Respondent's bay door as an accommodation; however, this required Ms. Block to allow Respondents' employees to move her car whenever access to the bay door was needed.

11. Throughout Ms. Block's employment, she was treated disparately because of her physical disability and was forced to park in the bay and to allow other employees to move her car for her if other vehicles occupied available spaces in front of Respondent's business.

12. The disparate treatment, without an attempt by Respondent to engage in an interactive process with Ms. Block to obtain designated parking for persons with disabilities, caused her embarrassment and humiliation. She was treated differently than other employees who did not have to rely on coworkers to move their cars back and forth from their parking spaces. Despite her successful performance of job functions as a warehouse worker and receptionist, Ms. Block was suddenly identified as a burden on her employer and coworkers based on her physical disability.

13. On June 11, 2003, Ms. Block requested of Respondent and Pacific Towers Properties the reasonable accommodation of a designated parking space.

14. Despite having notice of Ms. Block's disability and need for accommodation, Respondent continued to fail to engage in an interactive process with Ms. Block to designate a parking spot for persons with disabilities.

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15. As a result of Respondent requiring Ms. Block to work without the reasonable accommodation of a designated parking space, Ms. Block filed a complaint with the Alaska State Commission for Human Rights on June 12, 2003.

16. On June 12, 2003, Ms. Block informed Respondent that she had made a complaint of discrimination with the Commission.

17. On June 13, 2003, Respondent terminated Ms. Block effective June 20, 2003.

18. Ms. Block had the necessary skill, experience, and education and was able to perform the essential functions of a part-time receptionist for Respondent with an accommodation for her physical disability.

19. At all times relevant hereto Ms. Block had a physical disability as that term is defined in the Americans with Disabilities Act and AS 18.80.300(12)(A).

20. Since Ms. Block's termination, Pacific Towers Properties has designated parking for persons with disabilities in front of Respondent's business.

FIRST CAUSE OF ACTION – FAILURE TO ACCOMMODATE

Paragraphs 1 through 20 are incorporated herein as if set forth in full.

21. Respondent failed to engage in an interactive process with Ms. Block, a person with a disability, and it failed to attempt to provide reasonable accommodations for her known physical limitations in violation of AS 18.80.220(a)(1) and Title I of the Americans with Disabilities Act of 1990.

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22. As a result of Respondent's failure to grant Ms. Block designated parking for persons with disabilities, Ms. Block was subjected to disparate treatment, which caused her embarrassment and humiliation.

SECOND CAUSE OF ACTION – RETALIATION

Paragraphs 1 through 22 are incorporated herein as if set forth in full.

23. As a result of Respondent requiring Ms. Block to perform job functions without the reasonable accommodation of a designated parking spot, Ms. Block filed a complaint of discrimination with the Alaska State Commission for Human Rights.

24. In retaliation for Ms. Block's complaint of discrimination with the Commission, Respondent terminated Ms. Block's employment.

25. Respondent's termination of Complainant because she filed a Complaint with the Alaska State Commission for Human Rights is a violation of AS 18.80.220(4) and Title I of the Americans with Disabilities Act of 1990.

26. Because of Respondent's violation of AS 18.80.220(a)(1) Complainant has suffered damages in the form of lost wages and benefits.

PRAYER FOR RELIEF

Wherefore Complainant asks for the following relief:

1. That the Commission issue an Order declaring that Respondent violated AS 18.80.220 by failing provide reasonable accommodation for her physical disability in the form of a designated parking spot for persons with disabilities and for failure to engage in an interactive process in response to Ms. Block's request for a reasonable accommodation.

